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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD (PARTIAL)* OF THE 269th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 15 January 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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* No summary records were issued for the 267th and 268th meetings (closed).

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GE.96-10219 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Federal Republic of Yugoslavia (CRC/C/8/Add.16)

1. The CHAIRPERSON said that the initial report of the Federal Republic of Yugoslavia (CRC/C/8/Add.16) had been considered by the Pre-Sessional Working Group in early 1995, when the list of issues (CRC/C.9/WP.3) had been prepared and the State party had been invited to participate in the Committee's ninth session, held in March 1995. In a letter dated 24 March 1995, the Government of the Federal Republic of Yugoslavia had indicated that it would not participate in the Committee's work. It had none the less sent written replies to the list of issues, which had been received on 26 May 1995.

2. At the ninth session, the Committee had taken note of the State party's decision, but had pointed out that the State party was duty bound to fulfil its obligations under the Convention. It had therefore decided to consider the report of the Federal Republic of Yugoslavia at its eleventh session, whether or not the Government sent a delegation. The Committee had made various efforts to encourage the participation of the State party, but, in its most recent communication, dated 3 January 1996, the Federal Republic of Yugoslavia had confirmed its decision not to be present.

3. The Committee had decided, on the basis of that communication and in the light of rules 67 and 68 of the rules of procedure, to consider the report in the absence of the delegation of that country. The purpose of the reports of States parties was to allow a fruitful discussion to take place between the State party and the Committee on the implementation of the Convention, thereby helping to give effect to the basic rights of the children of the country in question. The Committee therefore regretted that the Federal Republic of Yugoslavia had decided not to send a delegation to the current session.

4. Mr. HAMMARBERG said that the Committee's views were based on the initial report of the Federal Republic of Yugoslavia, the written replies to the list of issues, further submissions from that Government, findings of other human rights treaty bodies, reports of the special rapporteurs of the Commission on Human Rights and information from NGOs.

5. Since it had ratified the Convention, the Federal Republic of Yugoslavia had gone through a period of great crisis. The transition from a planned economy to a market economy had entailed severe problems. The breakup of the former Yugoslavia had disrupted the system of production and trade. The tragic Balkan war, though not waged in the territory of the Federal Republic of Yugoslavia, had also had serious consequences for the people of that country. The imposition of international sanctions had, of course, made the social and economic crisis even worse.

6. The Federal Republic of Yugoslavia was also heavily burdened by an influx of some 600,000 refugees from neighbouring countries. Most of them were lodged not in camps, but in homes. The international contribution to the refugee burden had been less generous to the Federal Republic of Yugoslavia than to other parts of the former Yugoslavia.

7. All those factors had far-reaching consequences for children. The peace agreements alone could not solve their problems; other approaches would be necessary.

8. The CHAIRPERSON invited the members of the Committee to consider the section of the list of issues entitled "General measures of implementation", which read:

"General measures of implementation
(Articles 4, 42 and 44, para. 6 of the Convention)

1. Please provide more details about the process of preparing the report, in particular with regard to the involvement of non-governmental organizations.

2. To what extent have school curricula been adjusted to allow for education about the Convention on the Rights of the Child?

3. Please indicate whether education about the principles and provisions of the Convention have been incorporated into the training programmes of professional groups working with or for children, such as social workers, teachers, personnel in care institutions, prisons staff and law enforcement personnel.

4. Please provide information on any national institutions created to promote the rights of the child and monitor the implementation of the Convention on the Rights of the Child. To what extent and in what ways do these institutions, if they exist, cooperate with non-governmental organizations?

5. Please provide information on the measures taken to create and improve mechanisms for collecting statistical data and other necessary information about the status of children. To what extent is the collected data and information used as a basis for designing programmes for the rights of the child?

6. With regard to the provisions of article 4 of the Convention, please indicate the steps taken to allocate the 'maximum extent of available resources' for the progressive realization of economic, social and cultural rights. Please indicate what proportion of the federal, republican and local budgets are allocated to social priorities for children. Please indicate how the present budget allocations to social priorities compare with such allocations in earlier budgets. In addition, is there any further information the State party would like to submit in relation to the effects of the sanctions on the implementation of the rights of the child?

7. To what extent is international cooperation designed to enhance the implementation of the Convention? What proportion of international assistance is devoted to programmes which benefit children?

8. Please provide clarification as to the reasons for the reservation made by the State party to article 9, paragraph 1 of the Convention."

9. Mr. HAMMARBERG said that, although some measures had been taken to distribute the report in Yugoslavia, further efforts were necessary. In that connection, paragraphs 23 and 24 of the report proposed some interesting solutions. It appeared that several NGOs were working to promote children's rights and that the Government had shown a willingness to cooperate with them. The report also referred to the organization known as the Friends of the Children of Serbia, and its Committee for the Protection of the Rights of the Child. Although the views of that organization and others had been sought in the drafting of the report, several other NGOs had indicated that they had not been consulted.

10. With regard to question 2, the Committee welcomed Yugoslavia's efforts, as described in the written replies, to familiarize teachers, educators and "collaborating experts" with the principles of the Convention. It also noted, however, that no information had been included on the training of other staff working with children. Had the Yugoslav Government adopted a systematic approach to the training of all personnel working with children? Was such training sufficiently serious? Had the curricula of colleges, academies and other institutions involved in the education of such professionals been adapted to reflect the principles of the rights of the child? Was on-the-job training relating to the rights of the child given to teachers, nurses, doctors and police? It was crucial that respect for, and understanding of, the rights of the child should be taught to police and other law enforcement personnel, as well as to army personnel. The latter should, of course, be held accountable for their actions when serving in other parts of the region. The available information suggested that stronger measures were required.

11. The Committee welcomed the Primary School Act, which had been described on page 3 of the written replies and reflected the educational values set out in article 29 of the Convention. In referring to that Act, however, the report did not use the terms "human rights" or "tolerance". It also did not refer to "friendship among all peoples, ethnic, national and religious groups", a crucial dimension of article 29 which should be reflected in Yugoslavia's educational laws.

12. How the Yugoslav Government coordinated its efforts to promote the rights of the child at the various levels of Government remained unclear. It would also be useful to know whether there was any independent system to monitor the work of the authorities in the implementation of the rights of the child.

13. The Committee welcomed the Medical Protection Act, which provided that children, pregnant women and older persons should be given priority in the allocation of resources. In general, however, greater effort should be made to protect those groups, particularly in the area of primary health care for children and in such preventive health-care matters as diet and hygiene. The health-care system followed a top-down approach, which was known to use resources inefficiently. In the provision of social services to children in need, Yugoslavia relied too heavily on institutions, which had been shown to be expensive and inefficient.

14. No answer had been provided to question 7 on international cooperation.

15. The CHAIRPERSON invited Mr. Hammarberg to explain the Committee's views on the sections of the list of issues entitled "Definition of the child" and "General principles", which read:

"Definition of the child
(Article 1)

9. Please provide information on the minimum age for medical counselling without parental consent, the end of compulsory education and sexual consent.

General principles
(Articles 2, 3, 6 and 12)

Non-discrimination

10. Please indicate the specific and concrete measures taken to combat discrimination against girls, rural children, disabled children and children belonging to religious or other minorities. What efforts are being made to collect disaggregated data for different groups of children on aspects relating to the implementation of the Convention?

11. In addition, what strategies have been developed to address the particular problems facing children belonging to minorities?

Best interests of the child

12. Please indicate in what ways the "best interests of the child" are taken into consideration in the legislation as well as in judicial, administrative or other proceedings.

Right to life, survival and development

13. Please indicate the reasons for regional differences in the infant mortality rate and the measures taken to address this matter.

Respect for the views of the child

14. In the light of article 12 of the Convention, please provide further information on the measures being taken or envisaged to encourage the child to express his/her views on matters affecting the child, including within the school situation."

16. Mr. HAMMARBERG noted that the report said little about general principles. Although some reference was made to article 3 of the Convention, a full explanation of the way in which Yugoslavia used the principle of the best interests of the child in political decision-making was essential. There was also scant reference to article 12, which related to the matter of giving due weight to the views of the child. The Committee noted that a child above a certain age was consulted about the change of his name or adoption and that there was an intention to promote an atmosphere of open discussion in the schools. However, further measures seemed to be necessary to foster the participation of children in Yugoslav society.

17. With regard to questions 10 and 11, the written replies by the Government of the Federal Republic of Yugoslavia referred only to the situation of disabled children. The main problem in that area seemed to be the policy of placing many of such children in special homes and the fact that conditions in some of those institutions were unsatisfactory.

18. The written reply to question 11 made no mention of Kosovo, where the situation of children was of major concern to the Committee. Some 350,000 children of school age were currently not attending school following a decision by the central Government to introduce a uniform educational system and curriculum. That decision had come soon after the abrogation of Kosovo's autonomous status. The decision had been rejected by a large part of the population in Kosovo and 80,000 teachers and other school personnel had been summarily dismissed. Although the decision had allowed for further education in the Albanian language, restrictions had been imposed in that regard as well and the number of Albanian language pupils allowed to attend secondary school had been limited. The local education agency, as well as the textbook publishing house, had been closed. In the meantime, a parallel educational system had developed, with many children receiving private education in homes and in other premises. The situation was unsatisfactory. There had been reports of harassment of teachers. The issue had developed into a serious conflict, the first victims of which were the children themselves.

19. One side-effect of the deadlock was that children who stayed away from school no longer benefited from State-dispensed health care. The health of minority children gave cause for serious concern.

20. There had been a number of reports suggesting that the police had mistreated teachers and even children and had gone unpunished. That state of affairs could not be allowed to continue if the best interests of the child were to be ensured. The elimination of Albanian-language broadcasts on radio and television networks in Pristina had also had a negative impact.

21. The Committee was disturbed about allegations of ill-treatment of Muslims in Sandzak, including allegations of police abuse, violent house searches, harassment and impunity of those responsible. The central authorities must protect children against such abuses.

22. There had likewise been reports of problems in respect of the language of instruction in regions with a large Bulgarian-speaking population. He had the impression that there was a need to review the status of the Bulgarian language to prevent discrimination.

23. The Special Rapporteur of the Commission on Human Rights on the situation of human rights in the former Yugoslavia had touched on discrimination against and hostility between certain population groups and the Committee agreed with his assessment on the danger of using the State-run television to incite hatred against certain ethnic and religious groups. It was absolutely essential for the media to help build trust and understanding among the various groups in the region.

24. Mr. KOLOSOV said that, as the decision to review the report of Yugoslavia in the absence of that country's delegation had been taken at a closed meeting, the Committee should reaffirm its decision at the current public meeting.

25. From the outset, his position had been to postpone discussion of the report until the following session. However, it had been decided at the closed meeting that another reminder would be sent to the Permanent Mission of the Federal Republic of Yugoslavia in Geneva informing it that the report would be discussed in its absence; had that been done?

26. He regretted the absence of the delegation of the Federal Republic of Yugoslavia, which could have clarified the points raised by the Committee and brought the Committee's comments to the attention of the authorities in Belgrade. The Committee had had nothing to do with the recent decision of the meeting of States parties and considered the Federal Republic of Yugoslavia to be a State party, as was seen by the fact that its report was being discussed and its delegation had been invited to attend. The Convention made no provision for disallowing a State party's participation in a meeting of States parties. He regretted that the reaction of the Federal Republic of Yugoslavia had been directed against the Committee, and not the meeting of States parties.

27. The CHAIRPERSON, thanking Mr. Kolosov for making public the position taken by the Committee in its closed meeting, said that, in a letter dated 9 January 1996, the Committee had in fact reminded the Government of the Federal Republic of Yugoslavia that the initial report of Yugoslavia would be considered on 15 and 16 January 1996. A copy of that letter would be distributed to the members of the Committee for information.

28. The CHAIRPERSON invited the members of the Committee to consider the section of the list of issues entitled "Civil rights and freedoms", which read:

"Civil rights and freedoms
(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

15. Please indicate the measures which have been taken or which are envisaged to ensure that all children are registered after birth throughout the country.

16. What is the current situation as regards proposed new legislation relating to citizenship and nationality? Please provide further details of the text of the proposed new legislation, particularly as it relates to the granting of citizenship to children of mixed marriages.

17. How are children protected from violence and harmful influences in the media? What measures are in place for the classification of films and video recordings so as to provide an indication of their viewing suitability for children of different ages? Please provide clarification as to the status of the code 'Children and the Media' referred to in

paragraph 84 of the report. Please provide further information on the production of television programmes designed for children, including those with a news or current affairs content (para. 71 of the report)."

29. Mr. KOLOSOV said that the Federal Republic of Yugoslavia had been a democratic State developing along the lines of western European democracy. The situation of civil rights and freedoms had been satisfactory in virtually all areas. Then, that country had encountered difficulties that had had an adverse impact on those same rights and freedoms.

30. The sanctions imposed on the Federal Republic of Yugoslavia by the Security Council might have long-term harmful repercussions for the civil rights and freedoms of children. For example, access to information from abroad had declined sharply, to the detriment of children's intellectual development, thus interfering with the full exercise of their civil rights and freedoms.

31. Focusing on a number of areas of concern, he said that there was still a lack of pluralism in the mass media in the Federal Republic of Yugoslavia, and that restricted the right of children to obtain information and their right to freedom of thought and conscience. Although paragraph 37 of the report had stated that civil rights and freedoms applied to children, there seemed to be no guarantee that children had the same civil rights and freedoms as adults. The Constitution must introduce specific references to that effect.

32. The problem of statelessness had yet to be resolved, particularly in respect of refugees and children born in the territory of the other republics of the former Yugoslavia. There had been reports of ill-treatment by police officials of minors in Kosovo and of the mass media promoting ethnic and religious intolerance there.

33. He recommended that measures should be taken to ensure a plurality of information for children's broadcasts, in keeping with article 29, paragraph 1 (c), of the Convention; school curricula should be designed to promote a spirit of tolerance towards other cultures; legislation must be amended to reflect the civil rights and freedoms of children, including their right to privacy; the mass media should impart information for children in their native language, including Albanian, and there might be a need to reconsider budgetary allocations in that regard; legislation should also be recast to provide equal rights for all children, whether they were citizens of the Federal Republic of Yugoslavia or stateless; and a plan of action should be adopted to address the harmful consequences of the military conflict for children, including rehabilitation measures.

34. The CHAIRPERSON invited the members of the Committee to comment on the section in the list of issues entitled "Family environment and alternative care", which read:

"Family environment and alternative care
(Arts. 5, 18 paras. 1 and 2, 9, 10, 27 para. 4, 20, 21, 11, 19, 39 and 25 of the Convention)

18. Please describe the measures taken to make parental education and family counselling services widely available.

19. What particular steps are being taken to ensure the effective implementation of article 19 of the Convention? Can children lodge complaints concerning their neglect or abuse?

20. How are the best interests and the views of the child taken into account in decisions taken about the care of children of divorced parents? What specific measures are there to ensure the right of the child to be in contact with both father and mother in the case of separated parents?

21. With respect to the care of children, please describe the policy governing the choice between foster placement and institutionalization. What mechanisms exist to monitor the care of children in such situations?

22. Please give more information in relation to the actual procedures governing both national and intercountry adoption. What measures are in place to ensure that parents giving up their children for adoption are allowed sufficient opportunity to weigh up the consequences of and alternatives to adoption? At what age may a child influence a decision on adoption?"

35. Mrs. EUFEMIO said that the Committee had already stressed the need to make family counselling services available to prevent children from being separated from their parents if a family broke up; more innovative and anticipatory programmes should also be considered, such as pre-marriage counselling for couples planning to marry. An effort should be made to identify other measures to protect family life. The failure of existing measures should be analysed and remedial measures developed.

36. Another area of concern was the need to find family-based alternatives to placing children in institutions, a widespread practice that had an adverse impact on children's development. Little was being done to return such children to their families or reintegrate them in the community and they thus remained in institutional care for long periods. The number of children in foster care was decreasing, despite the fact that that alternative was less costly than institutional care. Ensuring that children received family care must be the aim of any alternative solution.

37. The distinction between full adoption and ordinary adoption should be reconciled in the amendment of the legislation in the best interests of the child. The Convention on inter-country adoption could provide guidance for the authorities with respect to children who were difficult to place.

38. There was a need for more detailed study of the physical and psychological aspects of child abuse and neglect. It was important to remember that the cultures of some ethnic groups allowed parents to treat

their children as they pleased. The correlation between political violence and domestic violence should also be studied, for parental rights predominated in practice and the State hesitated to intervene. The physical chastisement of children was not prohibited by law in the Federal Republic of Yugoslavia except when serious injury resulted and of course action was taken only when cases came to light. The report referred to the removal of children from their families as a means of preventing child abuse. That reflected a lack of understanding of the dynamics of child abuse and could result in alienation of a child from his family and prevent the family's rehabilitation. The Committee should recommend the introduction of a system for the early detection of child abuse.

39. The CHAIRPERSON invited the Committee to consider the sections of the list of issues concerning basic health and welfare and education, leisure and cultural activities, which read:

"Basic health and welfare

(Arts. 6, para. 2, 24, 26, 18, para. 3 and 27, paras. 1-3)

23. What proportion of the national, regional and local budgets is allocated to health care in general and to child care in particular? How do these figures compare to the situation prior to the economic crisis?

24. What steps are being taken to effectively ensure to children living in all parts of the country, including in the Autonomous Province of Kosovo, their right to a satisfactory level of health care?

Education, leisure and cultural activities

(Arts. 28, 29 and 31)

25. What proportion of the national, regional and local level budgets is reserved for education and of this what proportion is devoted to the provision of compulsory primary education?

26. What measures are being taken for the implementation of article 28, paragraph 2, of the Convention?"

40. Mrs. BADRAN said it was apparent that Yugoslavia used to have a good health system and health indicators. But the system had been seriously affected by the war and the sanctions: children were dying of malnutrition and lack of medicines; the pharmaceuticals industry could not continue in production; there had been a dramatic decline in compulsory vaccination; and there had been big increases in the numbers of undernourished children, hazardous pregnancies and premature births. The Committee should state its serious concern about that situation.

41. Specific problems included the discontinuation of the contraceptive guidance centres, so that abortion had become the commonest means of family planning, a large increase in mental disorders among children, especially refugee children living in collective centres, and an increase in violent behaviour among children in Serbia.

42. In reply to question 23, the Government of the Federal Republic of Yugoslavia had stated that the allocation of resources to the health sector had risen to about 12 per cent of national income. However, other sources indicated that the real value of the individual share of such resources had fallen. The Government had said that it could not provide statistics on health care, but surely that situation should not be difficult to correct. There was clear discrimination against Albanian children and disparities between rural and urban areas in health care.

43. The Committee should therefore recommend that the whole health system should be overhauled and its budget increased in real terms. In particular, the regional disparities must be tackled and an extensive programme of mental health rehabilitation introduced.

44. The education system had also been dramatically affected by the war and sanctions. The cost of school supplies and text books was now beyond the pockets of parents. Yugoslavia had formerly had a good standard of compulsory free education, but that was no longer true. There had also been a good system of kindergartens, but many of them had now been closed.

45. There was clearly much discrimination in education, especially against Albanian children. In addition, schools were forbidden to provide teaching in minority languages and Serbian had become the only language of education. There also seemed to be widespread gender discrimination because there were more than four times more illiterate women than men. There was a high rate of unemployment, but mainly among university graduates and other well-qualified persons; it was therefore clear that the education system was not tailored to the needs of the labour market.

46. The Committee should recommend the allocation of increased resources to education, the termination of all discrimination, including the ban on teaching in minority languages, and measures to bring education into line with the needs of the labour market.

47. The CHAIRPERSON invited the Committee to consider the section of the list of issues on special protection measures, which read:

"Special protection measures

(Arts. 22, 30, 32-40)

27. Please provide further information on the implementation of article 39 of the Convention, particularly with respect to the measures taken or envisaged for the development of a systematic approach to the provision of support for children who have undergone traumatic experiences.

28. What efforts are being made to ensure that all persons, particularly children, seeking refugee status are fully aware of their rights in these matters?

29. What steps are being taken to trace the parents or relatives of unaccompanied refugee children?

30. Please provide clarification as to the policy in place with regard to children and members of their families who carry Bosnian or Croatian passports and wish to enter the Federal Republic of Yugoslavia for the purpose of family reunification.

31. What procedures are in place to handle any allegations of abuse against children, including children belonging to minorities, by personnel in the armed forces or the police?

32. With regard to the implementation of articles 37, 39 and 40 of the Convention which relate to the system of the administration of juvenile justice, please provide clarification as to the system of "institutional correction measures" which may be applied to children (para. 381 of the report) and to the length of time a child may be held in custody without having access to a lawyer and/or family members."

48. Mrs. KARP said that refugees constituted a big problem and the Federal Republic of Yugoslavia was to be commended for accepting so many. However, there were four areas of concern. Firstly, the efforts to bring about family reunion in order to solve the problem of unaccompanied children were subject to several constraints. As a result, most such children were placed in institutions where their rights were not fully protected. Secondly, there was a danger of the loss of refugee status and of social security entitlements as a result of the introduction of new legislation. Many refugee children and their parents no longer had a legal basis for remaining in the Federal Republic of Yugoslavia and might be subject to harassment and denial of their rights. Thirdly, the requirements of article 39 of the Convention were not being met. In particular, the programmes for dealing with post-traumatic stress disorders were inadequate and could not cope with the needs of refugee children, and the preschool programmes covered only a small percentage of refugee children. Fourthly, most refugee children were placed with host families whose economic situation had become precarious as a result of the economic crisis, so that they could frequently not care for themselves or for the refugee children without State assistance.

49. Where juvenile justice was concerned, the legislation seemed adequate and a system was in place, although not working properly. In particular, the wide discretion accorded to social welfare agencies meant that their own concerns often took precedence over the rights of children. Children had no right of appeal against commitment to an institution and excessive reliance seemed to be placed on education, to the detriment of other appropriate measures, as a means of solving the problems of delinquent children. Many refugee children in conflict with the law, especially unaccompanied minors, had difficulty in securing exercise of their rights, for example in the investigation of complaints.

50. There appeared to be insufficient resources to make the juvenile justice system viable: the personnel lacked training, the social and other programmes for children were inadequate and there were no programmes to bridge the gap between life in an institution and life in society. The Federal Republic of Yugoslavia did not seem to be taking any action to comply with the provision of the Convention concerning measures to prevent children coming into conflict with the law. The only comprehensive programmes for the prevention of

juvenile delinquency appeared to be for children under the age of 14 years living in Belgrade. There was also a disparity between urban and rural areas with respect to such programmes and other measures. The Committee should also express its concern about the infringement of the rights of children during the investigation of cases: long delays were common and orphan children were often detained until the conclusion of the criminal process.

51. Miss MASON said that the Federal Republic of Yugoslavia had adequate legislation protecting children from economic exploitation. However, despite the Government's assertion that minors were usually unemployed, owing in part to lack of employment opportunities, the economic exploitation of children, in particular refugee children, was still a matter of concern. She wondered whether the legislation, liberal in principle, was actually being enforced in view of the absence of appropriate legislative or administrative measures to ensure compliance with article 32 of the Convention. The Federal Republic of Yugoslavia had no labour inspectorate; nor did it provide sanctions for non-compliance with the relevant legislative provisions.

52. She was also concerned about the lack of adequate social security measures to protect children and their parents, especially those employed in the non-formal sector, in the event that one or both fell ill and were unable to work.

53. Drug use and drug addiction, especially among Yugoslav youth, was on the rise. While acknowledging the gravity of the problem, the authorities did not yet have a mechanism for collecting accurate and reliable statistical data which would determine what measures were needed in the areas of prevention and support. A coherent programme to educate students about drug issues was also lacking.

54. Like many other countries, the Federal Republic of Yugoslavia had downplayed and was perhaps even reluctant to admit the existence of the sexual exploitation and abuse of children. It tended to consider such problems as being the province of the family. The report contained no official statistical data on that matter.

55. Certain legislative provisions in that area were in need of review. The Yugoslav authorities appeared to be equivocal with regard to the age of sexual consent: while the age of consent under the Criminal Code of Serbia was between 14 and 17 years; it was between 14 and 16 years under the law of the Republic of Montenegro. Incest was restricted, in legal terms, to sexual intercourse between first-degree kin or brother and sister. Those parameters should be widened to include the boundaries of consanguinity.

56. The legal system was not effectively safeguarding children from sexual exploitation and abuse. Apart from the inadequacy of the law under which social work systems were empowered to intervene, greater awareness and training of the personnel involved were needed.

57. In cases of sexual abuse within the family, the psychological and physical recovery of the child was of primary importance. Removing children from their homes in such cases, which was the practice in the Federal Republic of Yugoslavia, was not the best solution and could result in psychological

damage. If such a measure was necessary, it should be provisional. Nor was deprivation of parental rights an effective strategy. The removal of the perpetrator of the act from the home should be regarded as an option. In general, there was a need for a more integrated and coordinated approach in dealing with the problem of sexual abuse within the family. Following the example of other countries, the authorities might consider withdrawing criminal charges if the perpetrator was willing to acknowledge the behaviour and agree to counselling.

58. According to the report, prostitution in the Federal Republic of Yugoslavia was limited and sporadic, arising generally from family violence and other behavioural disorders. The rise in poverty resulting from the country's declining economic situation could create the circumstances under which poor families and their children used sex as a commercial commodity. The attendant social, psychological and health problems in such cases were well known. There had, moreover, been an increase in AIDS cases reported in the Federal Republic of Yugoslavia. Given those circumstances, greater use should be made of the media to raise awareness of the problems of sexual exploitation and abuse. Adequate sources of support had to be provided for victims of physical or psychological abuse. There was also a need for long-term action-oriented plans and programmes and adequate financial resources for rehabilitation.

59. Along with their right to access to appropriate information, children had the right to be protected from material injurious to their moral health. She was concerned in that connection about the absence of legislation and programmes dealing with the exploitative use of children for purposes of pornography.

60. Article 30 of the Convention provided that States parties must ensure the rights of children of minorities to enjoy their own culture, practise their own religion and use their own language. Were there adequate safeguards in the Federal Republic of Yugoslavia to ensure that minority children enjoyed their full rights? While the report indicated that the legal and formal status of minorities was compatible with the provisions of the Convention, the actual situation was less reassuring, as, for instance, where impunity was granted in cases of police harassment and ill-treatment.

61. In the absence of any reply to question 31, the Committee remained concerned about the following matters: abusive or discriminatory treatment of minorities by the police and armed forces; the abolition of the use of minority languages as languages of instruction at all levels of education; the use by leading political figures of inflammatory or threatening remarks about minority groups; and the dismissal of large numbers of ethnic minority workers in the health and education sectors. The Committee recommended that the Yugoslav Government should take measures to ensure the rights of ethnic, religious and linguistic minorities in accordance with its obligations under the Convention and other relevant international instruments.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

62. Mr. HAMMARBERG said that the Committee regretted not having had the opportunity to conduct a dialogue with the Federal Republic of Yugoslavia.

In the give-and-take of dialogue, the Committee and the State party could work together to find mutually acceptable solutions. The Committee was, at the same time, acutely aware that it was not infallible. Having carefully reviewed all the documents before it, it acknowledged that certain points might not have been fully appreciated.

63. Under the Convention, the Committee was authorized, as the need arose, to request additional information from the country concerned. In the case of the Federal Republic of Yugoslavia, there were two particularly good reasons to do so: first, for the reasons already known, there had been no opportunity for dialogue; and, secondly, it was to be hoped that the situation would change dramatically and that the country would move towards an era of peace and mutual understanding. He therefore proposed that the Government of the Federal Republic of Yugoslavia should submit a progress report to the Committee in 1997, the precise deadline to be set in the written concluding observations. Such a report would include an update of the situation and the Government's reply to the recommendations made by the Committee. It was to be hoped, too, that the Government would at that point be invited to appear before the Committee and present its report.

64. The Committee welcomed the action to be taken to promote the Convention. The Government of the Federal Republic of Yugoslavia planned to publish its report and circulate it widely and, in that connection, he hoped that the Committee's comments would be included. The report, with the Committee's comments, would also be placed on the agenda of the Yugoslav Federal Assembly. In addition, on the basis of the code "Children and the Media", adopted in 1993, all major media in the country had pledged to give full coverage to the commitments derived from the Convention, reminding the competent authorities and all others of the needs and rights of the child and the possibilities for action along those lines. In that connection, he hoped that the media would include the Committee's views in its coverage.

65. The Yugoslav Government had made a reservation to article 9, paragraph 1, of the Convention. He asked the Government to reconsider that reservation. According to the Convention, separations of children from their parents could be determined only by competent authorities subject to judicial review. The report of the Federal Republic of Yugoslavia stated that such decisions were taken by local social authorities "subject to judicial control". It was not clear from the report in what way the procedures deviated from the provisions of article 9. That should be reviewed to establish what reforms, if any, were needed to make law and practice compatible with the Convention.

66. The Yugoslav Government had not replied to the questions concerning international cooperation. In his view, the international community as a whole should help provide assistance to Yugoslav children, including refugees, and he urged States to fulfil that obligation. At the same time, the Government of the Federal Republic of Yugoslavia should make efforts to cooperate with the international community, in particular organizations and agencies concerned with human rights and the rights of the child. To that end, it might consider establishing a Belgrade office of the Special Rapporteur on the situation of human rights in the former Yugoslavia, which would ensure effective monitoring of and fruitful dialogue on the rights of children. The Government should also be open to receiving human rights

missions from other countries and should recognize and cooperate with the work of the ad hoc International Tribunal to deal with crimes committed in the territory of the former Yugoslavia.

67. All those efforts were needed to demonstrate that a new era had begun, marking the advent of a culture of peace.

68. Mr. KOSOLOV said that, in its report, the Committee should clearly express its regret with regard to the absence of the delegation of the Federal Republic of Yugoslavia and include the recent correspondence between the Chairperson and the Yugoslav Government as supporting documents.

69. The decision of the meeting of States parties to bar the delegation of the Federal Republic of Yugoslavia from appearing before the Committee should not set a precedent for treaty monitoring bodies. He therefore proposed that the Committee should send a letter to the depositary of the Convention on the Rights of the Child expressing its view that States parties should not be able to deny one of their members the right to participate in meetings and that, under the Convention, the Federal Republic of Yugoslavia was duty bound to participate and enjoyed full rights.

70. The CHAIRPERSON said that the Committee regretted the absence of the delegation of the Federal Republic of Yugoslavia and hoped that would be its last experience of that kind, whatever the circumstances. The Government of the Federal Republic of Yugoslavia should carefully consider the Committee's recommendations and conclusions, which would be duly communicated to it, and, subsequently, submit a progress report and be available to engage in a dialogue with the Committee.

The meeting rose at 12.20 p.m.